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Committee on the Elimination of Discrimination against Women
Seventy-first session

Summary record of the 1634th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 24 October 2018, at 3 p.m.

Chair: Ms. Leinarte

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Seventh periodic report of the Congo (*continued*) (CEDAW/C/COG/7; CEDAW/C/COG/Q/7 and CEDAW/C/COG/Q/7/Add.1)

1. *At the invitation of the Chair, the delegation of the Congo took places at the Committee table.*

Articles 7 to 9 (*continued*)

2. **Ms. Adou Ngapi** (Congo), replying to questions raised by Committee members at the previous meeting, said that an in-depth analysis had been undertaken to identify the obstacles to women's effective participation in public and political life, the results of which had been used to develop the National Programme to Promote Women's Leadership in Political and Public Life 2017–2021. The Programme contained various measures, such as improving the existing legal framework, enhancing institutional mechanisms and promoting an inclusive approach so as to involve men and boys in efforts to increase women's participation in public and political life. Internationally, the Congo, which had 30 diplomatic missions, now had six women ambassadors extraordinary and plenipotentiary, up from three in 2016. Women also occupied high-ranking roles at the national level, including one who was a roving ambassador.

3. The public authorities worked with United Nations agencies and relevant non-governmental organizations (NGOs) to provide various services for women engaged in prostitution. For example, NGO-run vocational training and literacy programmes were available to women wishing to leave prostitution.

4. **Ms. Schulz** asked whether women who engaged in prostitution were prosecuted.

5. **Ms. Mbemba Talansi** (Congo) said that, while pimping was prohibited in the current Criminal Code, there was no specific offence relating to street prostitution. The law aimed to punish those individuals who sought to exploit prostitution, rather than those involved in prostitution itself.

Articles 10 to 14

6. **Ms. Ameline** said that the education of girls was a fundamental human right that also represented a major investment in the country's future development. In the Congo, numerous serious obstacles not only impeded girls' access to education but also prevented them from completing their schooling. For example, although primary school was compulsory, classes were often oversubscribed; the school infrastructure was not sufficiently adapted to foster equality between girls and boys; and the dropout rate among girls was high, largely because girls were expected to perform household chores or were victims of early pregnancy or early marriage. She therefore wished to know how compulsory primary education for girls and boys was enforced; what proportion of the State budget was allocated to education; and what measures were in place to prevent violence against girls on their way to and from, as well as in, school and to combat impunity by taking action against teaching staff who committed such offences. She wondered what additional steps were being taken to promote girls' secondary and higher education, enable them to take vocational training and non-traditional subjects and train them in the use of digital technologies. It would be interesting to learn whether consideration had been given to introducing distance-learning modes of education to boost the provision of quality education, particularly in rural areas. Information on the indicators used by the Government to monitor improvements in education would also be useful.

7. **Ms. Verges** said that, regarding employment, she wished to know what measures were being taken or envisaged to improve women's participation in the formal economy, enhance their employability through professional training and facilitate their access to credit. Women depended overwhelmingly on the informal economy to make a living, which impeded their access to social security benefits. She wondered whether the impact of an

incentive programme aimed at encouraging certain informal enterprises to register with the National Social Security Fund had been assessed and whether other initiatives were planned to ensure that all women working in the informal sector could receive social security and maternity benefits. Referring to paragraph 196 of the State party's report (CEDAW/C/COG/7), regarding the shortage of childcare facilities in the country, she said she would like to know what action had been taken to develop a network of such centres, as required under article 11 (2) (c) of the Convention. Lastly, she asked whether the bill on parity would cover equal pay for women and men and what steps had been taken to combat sexual harassment and violence in the workplace.

8. **Ms. Chalal** said that, despite major achievements in the area of health, the Committee remained concerned at geographical disparities in women's and girls' access to health, the quality of basic health infrastructure, the training of health workers and the availability of medicines. She therefore wished to know what was being done to ensure equal access to health care and to improve the overall quality of health-care services. She would also be grateful to receive relevant updated data disaggregated by urban and rural area and by sex.

9. She wondered whether a plan to reposition family planning and free access to contraceptive products, which also aimed to reduce the maternal mortality rate, was backed by the necessary legal framework; was supported by the requisite health-care services at the local level; and was allocated sufficient funding. In that connection, she noted that abortion was prohibited in the Congo, creating a situation which, in the Committee's experience, often forced women to seek clandestine abortions. She would like to know whether women were imprisoned for having had an illegal abortion and whether the State party envisaged decriminalizing abortion in cases of rape or incest or when the woman's health was in danger, in line with article 14 (2) (c) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), to which the Congo was a party. Given the high pregnancy rate among 15–19 year old girls, it would be interesting to learn what steps were being taken to ensure the availability of sexual and reproductive health education for adolescent girls and boys in both urban and rural areas; what specific measures were in place to ensure that vulnerable groups, such as women and girls with disabilities and indigenous women and girls, could access sexual and reproductive health services; and what other action the State party intended to take to facilitate access to free contraceptives. Lastly, noting that Congolese women were more likely to be affected by HIV/AIDS than Congolese men, she said she would like to know what human and financial resources had been assigned to the implementation of an action plan, for the period 2017–2021, within the framework of a national strategy to combat HIV/AIDS and sexually transmitted infections, and whether a hotline set up to provide advice and guidance on the subject was accessible nationwide.

10. **Ms. Ingani** (Congo) said that the principle of equal pay for work of equal value was well established and routinely applied in the Congo. Regarding education, a number of measures were being taken to upgrade school infrastructure, including building of sports facilities and acquisition of new school furniture. It was worth noting that, during the crisis in the department of Pool, school pupils had been temporarily transferred to other areas of the country to enable them to sit their exams.

11. The Government recognized the need to improve the health infrastructure and had made significant investments in that regard. For instance, 12 new hospitals were currently being built, one in each administrative department of the country, with their completion expected sometime in 2019. Moreover, despite the economic crisis, the Government had committed to ensuring that procedures such as Caesarean sections were provided to women free of charge.

12. The prohibition of abortion was not absolute; the procedure was permitted in certain circumstances, such as in cases of rape or incest or if the health of the woman was in danger. Regarding sexual and reproductive health education, awareness-raising campaigns were conducted and the subject was also part of the school curriculum. Lastly, her Government was aware of the feminization of HIV/AIDS and was committed to tackling the stigmatization of women living with HIV/AIDS. Efforts to tackle the problem included increasing the budget allocated to combating transmission of the disease, carrying out

awareness-raising campaigns and providing free of charge antiretroviral treatments and nutritional guidance. Following complaints of discrimination of women living with HIV/AIDS by health workers, improvements had been made to the training of health-care professionals.

13. **Ms. Ganziami** (Congo) said that, while access to education was a right guaranteed by law, the school dropout rate among girls was high. As a result, a study had been undertaken to identify the obstacles to girls' education and, based on its findings, a strategy had been developed to remove those barriers and raise parental awareness in order to help keep girls in school. The strategy incorporated various key performance indicators, notably the admission, retention and completion rates of girls. Data was also collected on the awareness-raising campaigns conducted and initiatives implemented to prevent violence in schools. The number of disciplinary measures taken against teaching personnel who had perpetrated violence against girls was also monitored. A lack of funding was another impediment to girls' education. In conjunction with international partners, efforts were being taken to seek sources of funding and to raise awareness among government departments and private enterprises of the importance of investing in girls' education for the country's future economic development.

14. **Ms. Schulz** said that it was not clear whether women who had abortions could be prosecuted and imprisoned under the current Criminal Code and whether abortion, under the new Criminal Code, would be decriminalized in cases where the pregnancy was the result of rape or incest. It would be interesting to learn whether antiretroviral medication for HIV/AIDS was freely administered to women in detention. In view of the fact that abortion was considered a crime, it would be interesting to learn how it was possible for women to obtain access to post-abortion care in hospitals and health centres.

15. **Ms. Ingani** (Congo) said that, although abortion was prohibited in the Congo, doctors were authorized to carry out abortions in cases where the pregnancy entailed a risk to the life of the woman concerned and where it was proven to be the result of rape or incest. Victims of rape were taken to hospital for a medical examination, prescribed a morning-after pill and antiretroviral medication and referred to a psychologist.

16. **Ms. Tsiba Egombo** (Congo) said that legislation governing social security had been amended to ensure that women in both the formal and the informal sectors could receive social welfare. The new Criminal Code contained provisions that would prohibit sexual harassment in the workplace. Contraception was made available to women through sexual and reproductive health centres.

17. **Ms. Ingani** (Congo) said that women in detention were entitled to receive free antiretroviral medication.

18. **Ms. Atou Ngapi** (Congo) said that the action plan established under the National Gender Policy was aimed at strengthening and enhancing the role of women and young girls in the economy and the workplace, particularly through the provision of training. In that regard, specific efforts were being made to assist rural and indigenous women. Under the plan, steps would be taken to promote entrepreneurship among women, including by facilitating access to credit. The Government had established a number of indicators to monitor the application of the plan.

19. In urban areas, a number of nurseries and childcare centres had been established by the Ministry of Social Affairs and also by the private sector. In rural areas, a community-based system was in place that enabled women to help each other with childcare.

20. **Ms. Ingani** (Congo) said that a budget line had been established to promote income-generating activities, including entrepreneurship projects submitted by women. Measures were also taken to increase literacy levels among such women and to make credit available to them.

21. **Ms. Schulz** said that she wished to know what punishment would be imposed on women who had abortions when their lives were not in danger. In view of the fact that pregnant victims of rape were required to prove that the pregnancy had been caused by rape, she asked how women living in remote areas were supposed to provide that proof and

whether the State party took account of the fact that victims of rape were often reluctant to report the offence to the police because they feared being stigmatized.

22. **Ms. Ingani** (Congo) said that investigations were carried out into complaints of rape or incest brought by women. Such investigations included gynaecological tests and, if necessary, interviews with family members.

23. **Ms. Mbemba Talansi** (Congo) said that, under the Criminal Code, a punishment of between 1 and 3 years' imprisonment was imposed on women or girls who underwent an illegal abortion. The same punishment, together with a fine, was imposed on any persons found to have assisted them, including family members, nurses and doctors. Currently, no women were being held in Brazzaville prison for having had an abortion.

24. **Ms. Verges** said that it was regrettable that, owing to poor management of public funds and corruption, the significant level of economic growth experienced by the Congo prior to 2015 had not been accompanied by a reduction in poverty or social inequality.

25. In view of the fact that women's access to financial credit was restricted by the obstacles outlined in the State party report (CEDAW/C/COG/7, para. 203), the Committee would be interested to learn what measures had been taken to strengthen the entrepreneurial capacity of women. Noting that microcredit schemes usually benefited only a small proportion of the population, she said it would be useful to learn what steps were being taken to make funding and credit more generally available. Lastly, she asked whether the State party was considering changing its policy of paying social benefits allocated to married couples of public officials to husbands but not to wives.

26. **Ms. Gabr** said that the commendable measures taken to empower rural women would benefit the entire country and help it to achieve the Sustainable Development Goals. It would be interesting to learn whether the awareness-raising campaigns that had been mentioned were aimed only at women and whether they would be expanded to include tribal leaders, religious leaders and justice officials.

27. She wondered whether Act No. 21-2018 of 13 June 2018, which established, inter alia, the right of widows to inherit land, was being implemented and whether indigenous women had access to their ancestral lands and could pass them on to their children. Lastly, she wished to know whether shelters were made available to women asylum seekers and displaced women, when the draft asylum law would be adopted and what practical measures were being taken to assist asylum seekers and applicants for refugee status.

28. **Ms. Ingani** (Congo) said that there was no connection between the level of support provided to women and the poor management of public funds mentioned by Ms. Verges. Courses aimed at increasing literacy levels among women were organized and a law on the revision of the Tax Code was being drafted that would address disparities in the social benefits paid to husbands and wives. The awareness-raising campaign was to be extended to other government ministries and departments and to other State institutions.

29. The revised Personal and Family Code would take better account of the situation of widows from customary marriages and address the issue of inheritance, which was often problematic, as only women who were married officially before a civil registrar could inherit. Since a large number of women continued to marry under the dowry system, it was important for the value of dowries to be defined in the revised Code.

30. Although the Personal and Family Code permitted polygamy, polygamous marriages had to be concluded officially before a civil registrar and both parties had to consent to the arrangement. The Government was well aware of the harmful effects that polygamy could have on women. Pending the adoption of the revised Personal and Family Code, which would take into account the situation of women in polygamous marriages, the Government would continue its efforts to raise public awareness of the disadvantages of polygamy.

31. **Ms. Gabr** said she would appreciate information on the forms of assistance available to rural women and whether widowed rural women could exercise their legally recognized inheritance rights in practice without restriction. It would also be useful to know whether the State party was familiar with the Committee's general recommendation No. 34

(2016) on the rights of rural women and, if so, whether it had taken any steps to put it into effect.

32. **Ms. Verges** asked whether funding had been made available under the action plan for implementing the new second-generation national gender policy for the purpose of supporting larger-scale programmes to promote the economic empowerment of women.

33. **Ms. Ingani** (Congo) said that a number of women had already benefited from funding under the action plan. In addition to the funding for initiatives to support income-generating activities mentioned earlier, a proposal for the establishment of a special fund to support income-generating activities had recently been submitted to the Government's General Secretariat. While there were shelters for asylum seekers in general, there were no shelters specifically for asylum-seeking women.

34. The ministry responsible for land affairs was conducting a campaign to promote the implementation of the recently promulgated Act No. 21-2018 of 13 June 2018. The Act would benefit the women living in the department of Likouala in particular, as they currently did not have the right to inherit or to own land.

35. **Ms. Mbemba Talansi** (Congo) said that the revised Personal and Family Code would improve the situation of widows who had married under customary law by granting them the right to inherit, along with their children, a part of their late husband's pension and the family home. The revised Personal and Family Code would also serve to strengthen the rights of widows married officially before a civil registrar, which were already more extensive, by empowering those women to make decisions for themselves and on behalf of their children following the death of their husband. It would likewise contain clear provisions on how their late husband's inheritance was to be divided up.

36. There were no refugee camps as such in the Congo. Incoming refugees were assisted by the Office of the United Nations High Commissioner for Refugees, the national committee responsible for refugee assistance and the relevant embassies, in accordance with international refugee law.

Articles 15 and 16

37. **Ms. Narain** said that the promulgation of Act No. 21-2018 of 13 June 2018 was indeed a welcome development, as it nullified the effects of a number of customs and traditions that restricted women's land rights in the Congo. Given the State party's pluralist legal system, she said it would be useful to learn whether the Act in question would be applied by both customary and ordinary courts, whether customary courts would still be able to follow the customs and traditions targeted by the Act and how the State party would ensure that customary courts were aware of the Act's existence and duly applied its provisions.

38. The Committee deeply regretted the delay in revising the Civil Code and the Personal and Family Code. It was in the interest of all Congolese women for the revised Codes to be discussed and adopted in December 2018 as scheduled. The Committee also deplored the lack of transparency over the content of the revised Codes submitted to the National Assembly, which left it with little choice but to trust that the provisions that discriminated against women would be removed. The delegation might confirm whether the revised Codes would address the harmful practices of sororate marriage, polygamy and early marriage, as well as issues surrounding inheritance rights, choice of family residence and parental authority and, that being the case, provide information on how it would do so.

39. She would also like to hear more about how the decision to define the value of, rather than abolish, dowries would serve to advance women's rights in the Congo. Noting that the harmful practice of levirate marriage violated the rights of widows under the Personal and Family Code, she said that the impending abolition of that practice ought to go hand in hand with improved social protection measures for widows designed to bring to an end to their financial dependence on their late husband's family. She asked whether the State party had considered establishing specialized units to provide rapid assistance to widows who were threatened or intimidated by their late husband's relatives.

40. **Ms. Ingani** (Congo) said that efforts to raise awareness of the recently promulgated Act No. 21-2018 of 13 June 2018, which was binding on all customary courts, were ongoing. The ministry responsible for land affairs had deployed teams in rural and remote areas to impress upon traditional leaders the importance of applying its provisions. Traditional leaders who failed to do so were liable to receive a fine.

41. **Ms. Mbemba Talansi** (Congo) said that any customary court that failed to abide by the Act would be considered to have shown contempt for the law and could face charges of rebellion. In the revised Personal and Family Code, a balance had been struck between cultural concerns and the protection of women's rights. After broad consultations, the Government had concluded that it was not possible to do away with dowries altogether, bearing in mind that some 70 per cent of women living as wives had not married their husband officially before a civil registrar. However, the revised text of the Personal and Family Code contained provisions to protect and strengthen the rights of women in customary marriages. Steps had been taken to limit the cost of dowries so that they remained accessible to all families.

42. The child protection legislation in force provided that, in court cases involving children, the judge was required to take the best interests of the child into account when handing down a decision concerning parental authority. Parental authority was not automatically awarded to the father in such cases. The use of threats and violence against any person, including widows, was prohibited by the Criminal Code and perpetrators of such crimes were liable to receive a prison term and a fine. Widows who were threatened by their late husband's family could avail themselves of the assistance provided by legal clinics, NGOs and the Ministry of Social Affairs, Humanitarian Action and Solidarity and bring a case before the courts.

43. **Ms. Schulz** said that if 70 per cent of women living as wives had not married their husband officially before a civil registrar, to whom the intention to enter into a polygamous marriage must be declared, it stood to reason that there was likely a large number of women who were in a polygamous customary marriage to which they had not consented. She asked what legal protection was available to the various wives in a polygamous customary marriage upon the death of their husband, whether there was a hierarchy among them and how they could assert their rights before their late husband's family.

44. **Ms. Ingani** (Congo) said that, if the value of dowries was defined, it would be easier for women in customary marriages to assert their rights before their husband and, in the case of widows, before his family. The high percentage of women who were not officially married to their husband could be explained by the reluctance of many men to conclude an official marriage before a civil registrar as, upon doing so, they were required to declare whether the marriage would be monogamous or polygamous. In reality, many men preferred not to declare their desire for a polygamous marriage publicly and so entered into a monogamous marriage after which they took additional wives under the dowry system. Despite knowing their rights, women in that situation seldom asserted them before the courts for fear of losing their husband. The revised Personal and Family Code would prohibit men who had entered into an official monogamous marriage from offering a dowry to other women and would require customary marriages involving a dowry to be concluded before a civil registrar and the parties to sign documents confirming the marriage regime to which they were adhering, which, in practice, would deter men from offering a dowry to multiple women. The revised Personal and Family Code would therefore offer greater protection to women to whom a man had offered a dowry but later rejected and would enhance the rights of widows from customary marriages.

45. **Ms. Schulz** said that she failed to understand how the other women to whom a man in an official monogamous marriage had offered a dowry and with whom he had children would be better protected, as only his legitimate spouse would have any legal rights.

46. **Ms. Ingani** (Congo) said that, under the revised Personal and Family Code, any dowry offered to another woman surreptitiously by a man in an official monogamous marriage would be null and void. Moreover, the high cost of a dowry made it difficult for men to offer one in a clandestine manner. Once the revised Code had been adopted, the Government would invest heavily in awareness-raising initiatives.

47. **Ms. Mbemba Talansi** (Congo) said that, while a woman who had been in a customary marriage with a man who himself had been in an official monogamous marriage would not have the same legal rights as his legitimate wife upon his death, under the revised Personal and Family Code, she would be guaranteed to inherit the home that they shared and, if they had children, she would be entitled to part of his pension. Their children would enjoy full inheritance rights. Couples wishing to enter into an official polygamous marriage had to declare their intention to do so three months prior to concluding the marriage before a civil registrar. Under the revised Personal and Family Code, the number of wives that a man in an official polygamous marriage could take was limited to three. If he opted to take more wives under the dowry system, those women would enjoy the same rights as women in a customary marriage under the monogamous marriage regime. If a man fathered children with a mistress, only the children would have any legal rights upon his death.

48. **Ms. Verges** said that she would like to know whether the revised Personal and Family Code would allow couples who had opted for a monogamous marriage in the first instance to change to a polygamous marriage at a later date and whether providing for that possibility might not serve to reduce the number of customary marriages and to afford women better protection. It would also be useful to hear more about the specific protection available to women in unofficial, customary marriages under the revised Code.

49. **Ms. Schulz** said that she would like to know whether all children, whether they were of an official or customary marriage or of an extramarital relationship between a man and his mistress, had the same inheritance rights. She drew the State party's attention to the Committee's general recommendation No. 21 (1994) on equality in marriage and family relations, which defined polygamy as a discriminatory practice, and its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, both of which could provide useful guidance. While she understood that polygamy was part of the cultural heritage of the Congo, the Committee held that the practice was inherently discriminatory against women and contrary to the Convention.

50. **Ms. Mbemba Talansi** (Congo) said that, under the revised Personal and Family Code, children would be their parent's primary heirs, irrespective of their mother's status. It was indeed possible for an officially married couple to switch from monogamy to polygamy, provided that the wife gave her express consent.

51. **The Chair** thanked the delegation for the constructive and enlightening dialogue and said that its detailed responses had provided the Committee with a further insight into the situation of women in the Congo. She invited the State party to consider ratifying as soon as possible the amendment to article 20 (1) of the Convention and encouraged it to take all measures necessary to address the recommendations contained in the Committee's concluding observations.

52. **Ms. Ingani** (Congo) said that the interactive dialogue with the Committee had indeed been highly constructive. The Government of the Congo remained committed to improving the situation of women in its national territory and to combating all forms of discrimination against them. It would take on board all the comments and suggestions made by the Committee and continue its efforts to raise awareness of the Convention and the need to respect women's rights.

The meeting rose at 5 p.m.